

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COREY D. YOUNG,

Plaintiff,

v.

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS,

Defendant.

CASE NO. C17-5572 RBL

ORDER ADOPTING REPORT AND
RECOMMENDATION

THIS MATTER is before the Court on Magistrate Judge Christel's Report and Recommendation [Dkt. # 23], recommending that the Court GRANT Defendants' Motion for Summary Judgment [Dkt. # 15], because Plaintiff Young failed to exhaust his administrative remedies. Young objects, arguing that further administrative appeals would have been futile. He also objects to the recommendation that his state law negligence claim be dismissed without prejudice, arguing because the limitations period for that claim has run, the dismissal is effectively with prejudice.

This Court would retain and exercise supplemental jurisdiction over that negligence claim if Young would be precluded from asserting it in state court. But the limitations period on

1 that claim is tolled during the pendency of this federal case (and for 30 days after the case is
2 dismissed). 28 U.S.C. § 1367(d); *See also Artis v. District of Columbia*, 138 S. Ct. 594 (2018).

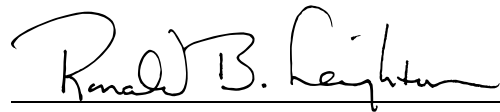
3 The Report and Recommendation is ADOPTED.

4 The Defendants' Motion for Summary Judgment is GRANTED.

5 Young's state law assault and battery claims are dismissed *with* prejudice. His § 1983 and
6 state law negligence claims are dismissed *without* prejudice.

7 IT IS SO ORDERED.

8 Dated this 21st day of May, 2018.

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11 Ronald B. Leighton
12 United States District Judge
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